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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 SPOKANE TRIBE OF INDIANS,

13 Plaintiff/Intervenor,

14 v.

15 BARBARA J. ANDERSON, et al.,

16 Defendants.

17 } No. CV-72-3643-JLQ

18 } SPECIAL MASTER'S REPORT
19 } AND RECOMMENDATION TO
20 } GRANT UNOPPOSED JOINT
21 } MOTION OF THE UNITED
22 } STATES, SPOKANE TRIBE OF
23 } INDIANS, AND WASHINGTON
24 } DEPT. OF ECOLOGY TO
25 } EXTEND REPORTING AND
26 } BRIEFING SCHEDULE

27 Before the court on Report and Recommendation is the Joint Motion of the United
28 States, the Spokane Tribe of Indians, and the Washington Department of Ecology to
extend the reporting and briefing schedule described below. (Ct. Rec. 667.)

29 The court's Order dated August 11, 2006, (Ct. Rec. 600), anticipated various
30 studies would be completed by August 2009, with ensuing motions in 2010. In light of
31 the late start in fiscal year 2006 that limited funding for the project that year, and the
32 need to limit annually the amount of funding, with the result of greater time required for
33 the study,

34 **IT IS RECOMMENDED** the Joint Motion of the United States, the Spokane

35 SPECIAL MASTER'S REPORT AND RECOMMENDATION TO GRANT
36 UNOPPOSED JOINT MOTION OF THE UNITED STATES, SPOKANE TRIBE
37 OF INDIANS, AND WASHINGTON DEPT. OF ECOLOGY TO EXTEND
38 REPORTING AND BRIEFING SCHEDULE - 1

1 Tribe of Indians, and the Washington Department of Ecology to Extend Reporting and
2 Briefing Schedule, (Ct. Rec. 667), which motion is unopposed, be **GRANTED** and the
3 deadlines be modified in the August 11, 2006, Order as follows:

4 Completion of the United States Geological Survey Study and any other factual
5 studies: extended from August 15, 2009, to August 15, 2011;

6 ||| Opening Brief: extended from January 15, 2010, to January 15, 2012;

7 Response Brief: extended from March 15, 2010, to March 15, 2012; and

8 Reply Brief: extended from April 15, 2010, to April 15, 2012.

OBJECTIONS

11 Any party may object to a magistrate judge's proposed findings, recommendations
12 or report within ten (10) days following service with a copy thereof. Such party shall
13 file with the District Court Executive and serve on all parties written objections,
14 specifically identifying the portions to which objection is being made, and the basis
15 therefor. Any response to the objection shall be filed within ten (10) days after receipt
16 of the objection. Attention is directed to FED. R. CIV. P. 6(d), which adds another three
17 (3) days from the date of mailing if service is by mail.

A district judge will make a de novo determination of those portions to which objection is made and may accept, reject, or modify the magistrate judge's determination. The judge need not conduct a new hearing or hear arguments and may consider the magistrate judge's record and make an independent determination thereon. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions. See 28 U.S.C. § 636(b)(1)(B) and (C), FED. R. CIV. P. 72, and LMR 4, Local Rules for the Eastern District of Washington.

A magistrate judge's recommendation cannot be appealed to a court of appeals; only the district judge's order or judgment can be appealed.

SPECIAL MASTER'S REPORT AND RECOMMENDATION TO GRANT
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REPORTING AND BRIEFING SCHEDULE - 2

1 The Clerk of the Court shall file this Report and Recommendation and serve
2 copies of it on the referring judge, Water Master Lyerla, counsel for the parties, and
3 those parties listed on the most recently updated notice list (Attachment "1" to this
4 Order).

5 DATED: June 3, 2009.
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8 s/ CYNTHIA IMBROGNO

9 UNITED STATES MAGISTRATE JUDGE

10 Serving as Special Master

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REPORTING AND BRIEFING SCHEDULE - 3

1 ATTACHMENT 1
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NOTICE LIST
CAUSE NO. CV-72-3643-JLQ

4 Greg Axtell
5 4205 Harmon Ln.
6 Carlsbad, NM 88220-2836

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Sharonne O'Shea
Assistant Attorney General
Ecology Division

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UNOPPOSED JOINT MOTION OF THE UNITED STATES, SPOKANE TRIBE
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REPORTING AND BRIEFING SCHEDULE - 4

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REPORTING AND BRIEFING SCHEDULE - 5

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REPORTING AND BRIEFING SCHEDULE - 6